

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA

IN RE:

COVID-19 PUBLIC HEALTH AND SAFETY

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STANDING ORDER 2020-12

**STANDING ORDER EXTENDING JURY TRIAL MORATORIUM
BECAUSE OF NATIONAL EMERGENCY**

On March 16, 2020, May 1, 2020, July 1, 2020, and August 21, 2020, this Court issued standing orders that established a combined temporary moratorium on all jury trials until October 20, 2020 because of the COVID-19 (coronavirus) pandemic. See Middle District Standing Order 2020-01 as amended by Standing Order 2020-02, Middle District Standing Order 2020-07, Middle District Standing Order 2020-08, Middle District Standing Order 2020-10. The orders granted a continuance in all criminal cases from March 17, 2020 through October 19, 2020, specifically excluding that period from the Speedy Trial Act calculations.

Data from the Georgia Department of Public Health continues to reflect that COVID-19 is worse now than it was on March 16, 2020, when the Court originally entered its first COVID-19 Standing Order. The presidential declaration of the COVID-19 national emergency remains in effect and the State of Georgia and Center for Disease Control and Prevention (CDC) continues to recommend taking substantial health precautions. It is this Court's opinion that jury trials cannot be held without jeopardizing the health and safety of jurors, parties, witnesses, court staff, and the

public. The Court therefore finds it necessary and appropriate to extend this moratorium through January 3, 2021. Accordingly, absent compelling circumstances found by the presiding judge, jury trials shall not be held in the Middle District of Georgia through January 3, 2021.

With regard to criminal proceedings, the Court finds that the right of defendants in criminal cases and the public to a speedier trial during this extended moratorium is substantially outweighed by the public interest of protecting the health and safety of defendants, the case participants, court employees, jurors, and the public, which can only be protected by this moratorium on jury trials. The ends of justice require this continuance. Accordingly, the time period of the continuance shall be extended so that it is now March 17, 2020 through January 3, 2021, and this period shall be excluded under the Speedy Trial Act, 18 U.S.C. §3161(h)(7)(A). Although this order shall have the effect of continuing all jury trials during this period, any defendant in a criminal case shall have the right to file a motion for a speedier trial, which shall be considered and decided by the judge assigned to the defendant's case.

As authorized by the Coronavirus Aid, Relief, and Economic Security Act, H.R. 748 (the CARES Act), the Court previously issued standing orders authorizing the use of video and/or audio conference to conduct identified criminal proceedings. See Middle District Standing Order 2020-03, Middle District Standing Order 2020-07, Middle District Standing Order 2020-08, Middle District Standing Order 2020-10. The Court specifically finds that this authority remains necessary and in certain circumstances the appearance of persons live at the courthouse for court proceedings would place the public health and safety in serious jeopardy. Accordingly, the Court renews its authority under the CARES Act to conduct the proceedings identified in

Standing Order 2020-03 by video and/or audio means for an additional 90 days from the date of today's order.

All previous standing orders shall remain in effect except to the extent that certain provisions are inconsistent with today's order. The Clerk shall docket today's order in every criminal case presently pending and that shall become pending prior to January 3, 2021 in this district.

SO ORDERED, this 8th day of October, 2020.

S/ Marc T. Treadwell
MARC T. TREADWELL
CHIEF UNITED STATES DISTRICT JUDGE